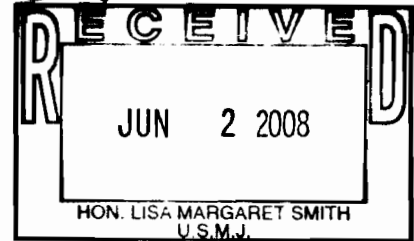


MEMO ENDORSED

Deemed letter motion June/June 22, 2008
 for extension of time. Great. Motion corrected Tuesday
 Motion granted. 2:00. 3:00 PM
 SO ORDERED. Construction, see 2:00 PM

Lisa Margaret Smith
 June 27, 2008
 USMJ
 6/3/08

Hon. Lisa M. Smith, Magistrate Judge
 United States District Court,
 Southern District of New York
 300 Court Street
 White Plains, New York 10601
 Att. Clerk of the Court



Dear Hon. Madam,

Re: Smith v. Arroyo, CV-07-Cv-9261 (SCR) (LMS)

Petitioner Aurel Smith herein requests an extension of time to file with this Court his Reply (Traverse) to Respondent's Opposition in the matter of Petitioner's Habeas Corpus Petition, due to emergency matters unforeseen and only occurring beginning to occur) since Thursday, May 27, 2008, up to the present. Such extension is being asked until at least Friday, June 6, 2008, or Monday, June 9, 2008, whichever date the Court is gracious enough to extend Petitioner's time to.

Petitioner would like to file more than the stipulated 10, (10), page limit per the Hon. Stephen C. Robinson's "Individual Rules" on Friday evening, May 23, 2008. However, after that time he was not able to access the facility's law library where his legal papers and Reply is located until after Memorial Day's observance, i.e., Monday, May 26, 2008. Yet on Tuesday, May 27, 2008, it was announced that this facility's school building where the law library is located, was closed until further notice due to electrical malfunction to which there are now outside contractors

working to rectify the matter. It has been told to Petitioner by security staff / court and officers that the matter should be fixed by Monday, June 2, 2008 however, until then the School building, including the law library as well will be closed.

Petitioner's reply is completed and all that is needed by him is to be able to retrieve it from the law library and file it with the Court. However, until he is physically able to go to the law library to do so, as it is closed entirely and this is not a matter of scheduling, Petitioner requires an extension as requested above due to unforeseen and emergency circumstances. All of the above may be verified by this facility's administrative personnel, concerning the outage of electricity and closure of the School building wing which includes the law library, as well as, the dates mentioned above. Petitioner sought to wait as long as he could so as not to have to file an extension in hopes that the matter would be rectified and he could have just retrieved the reply and timely file it, however, this is not possible at present due to the inability to access the law library altogether. Petitioner respectfully requests that this Court grant such extension.

Respectfully,



Daniel Smith #0246279

Petitioner in re

5/29/08

CC: Janet D. Moore, Esq.

Westchester County District Attorney

White Plains, New York 10601